



FREEDOM OF INFORMATION REQUEST



Request Number: F-2019-02307

Keyword: Operational Policing

Subject: PSNI Cordons

Request and Answer:

Your request for information has now been considered. In respect of Section 1(1)(a) of the Act I can confirm that the Police Service of Northern Ireland does hold information to which your request relates and this is being provided to you. We further consider the information you seek in request number 1 is exempt by virtue of Section 31 of FOIA and have detailed our rationale as to why this exemption applies. We have also provided you with links to guidance issued by the Information Commissioner's Office which we have followed in responding to your request.

Request 1

Please provide any handbooks or guidance issued to PSNI officers in relation to cordons.

Answer

There is information in the public domain which may assist with your request and is readily available on the Legislative Government website and can be accessed at the link below:

<https://www.legislation.gov.uk/>

However for the reasons as articulated below I am exempting in providing the specific information sought or provided to officers in relation to 'cordons' for the reasons as articulated below:

Section 17(1) of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which:

- (a) states that fact,
- (b) specifies the exemption in question and
- (c) states (if not otherwise apparent) why the exemption applies.

The exemption, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

Section 31(1)(a)(b) – Law Enforcement – the prevention or detection of crime and the apprehension or prosecution of offenders.

The full text of exemptions can be found at www.legislation.gov.uk and further guidance on how they

operate can be located on the Information Commissioners Office website www.ico.org.uk.

Section 31 is a prejudiced based exemption and this means it is the Public Authority's responsibility to evidence the harm. It is also a qualified exemption and therefore a Public Interest Test must be carried out.

Harm

PSNI consider this information crucial to its methodologies and policing operations in the fight against criminal activity and terrorism. Release of information under FOI is considered a release to the world in general, not just to the individual requesting the information.

Disclosing details relating to guidance provided to PSNI officers on dealing with police cordons into the public domain could leave officers vulnerable to attack and could assist those intent on criminal / terrorist activity enabling them to use this information for their own purposes this adversely affecting the PSNI law enforcement role. Disclosure could advantage criminals/terrorists, assisting them to establish information and aid them in subverting police, or launching attacks, thus hindering the detection of crime and the apprehension or prosecution of offenders.

The release of this information would reduce the PSNI's capability of performing its overall functions. This argument is further confirmed by the current threat level in Northern Ireland which is currently SEVERE. PSNI is aware of the mosaic and precedent effects of releasing information which may be of use to terrorists. A clear link exists between knowledge available to criminals and the way they operate, with the resultant impact on PSNI potentially giving a tactical advantage to criminals.

Public Interest Test

Factors Favouring Release - Section 31

Release of information relating to the PSNI would lead to a better informed public and would demonstrate openness and transparency.

Factors Favouring Retention - Section 31

Releasing this information would have an impact on police resources by hindering the role of officers in the prevention and detection of crime and could leave officers vulnerable to attack by those criminal elements seeking to subvert police, compromising law enforcement tactics and hindering the prevention and detection of crime and apprehension or prosecution of offenders.

Decision

The release of this information has the potential to be advantageous to criminals and terrorists thus compromising the law enforcement role of the police. Whilst the PSNI would always wish to be transparent and accountable, there is also a strong interest in ensuring that police officers are safeguarded by not releasing police methodologies. The PSNI remain under severe threat from Dissident Republicans and disclosure of this information has the potential to assist those intent on carrying out attacks on police officers. Whilst the PSNI would always wish to be transparent and accountable no release under FOI should be made where lives would be put at risk and Police officers, have a positive obligation under Art 2 of Human Rights to protect life, that of the general public and police officers.

Whilst the requested information may appear innocuous, we must take into account the wider implications of any release into the public domain including how the requested information may be combined with any previously released data or potential future FOI requests and what impact this 'mosaic' of information will have on the police service as a whole.

The release of information under FOI is a release into the public domain and not just to the individual requesting the information. Once information is disclosed by FOI, there is not control or limits as to how the information is shared with other individuals, therefore a release under FOI is considered a release to the world in general.

I have therefore determined that disclosure of the information requested into the public domain would not be in the public interest as police need to make balance judgements which justify why some information needs to remain exempt and unpublished.

Request 2

Can PSNI officers enforce cordon legislation if the cordon is not visible (E.g. Police tape)

Answer

Yes, there is no specific legal requirement for a cordon to be visible.

As per request 1, there is information in the public domain which may assist with your request and is readily available on the Legislative Government website and can be accessed at the link below:

<https://www.legislation.gov.uk/>

If you have any queries regarding your request or the decision please do not hesitate to contact me on 028 9070 0164. When contacting the Corporate Information Branch, please quote the reference number listed at the beginning of this letter.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Corporate Information Branch, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing foi@psni.pnn.police.uk.

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ www.psni.police.uk

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.